

## REMARKS

This paper is submitted in response to the pending Office Action mailed on December 30, 2005. Because this response is submitted with a certificate of mailing in compliance with 37 C.F.R. §1.8 on or before the shortened period for reply set to expire on **March 30, 2006**, this amendment is timely filed.

### I. STATUS OF THE CLAIMS

Prior to this response, claims 1 to 30 were pending and at issue, with claims 1 to 11 and 18 to 30 having been withdrawn pursuant to a Restriction Requirement mailed November 23, 2005. By this response, claim 12 has been amended, and new claims 31 to 38 have been added to clarify and highlight the subject matter for which protection is sought. Applicants respectfully request that **Deposit Account No. 02-1818** be charged in the amount of \$600.00 for the new claims 31 to 38 which include one (1) new independent claim in excess of the four originally filed and paid for, and eight (8) total new claims in excess of the thirty originally filed and paid for, and for any fees deemed owed during the pendency of this application, excluding the issue fee. Thus, claims 12 to 17 and 31 to 38 are at issue in this application.

New claims 31 to 38 are directed to, among other things, a connector for making a resealable fluid path. Applicant submits that these new claims are submitted to clearly define the subject matter for which protection is sought, and that no new matter has been added. Furthermore, Applicant asserts that these new claims are not submitted for any reason related to patentability, to disclaim any subject matter, to overcome any reference of record or for any statutory reason.

### II. CLAIMS REJECTIONS

The Office Action rejects: claim 12 as anticipated by U.S. Patent No. 4,354,490 to Rogers ("*Rogers*"); claims 12, 16 and 17 as anticipated by U.S. Patent No. 4,610,469 to Wolff-Mooij ("*Wolff-Mooij*"); claim 13 as obvious over *Rogers* or *Wolff-Mooij* in view of U.S. Patent No. 4,457,749 to Bellotti et al. ("*Bellotti*") or U.S. Patent No. 4,440,207 to Genatempo et al. ("*Genatempo*"); claim 14 as obvious over *Rogers* in view of *Genatempo* or U.S. Patent No. 3,986,508 to Barrington ("*Barrington*"); and claim 15 as obvious over *Rogers* in view of U.S. Patent No. 4,239,041 to Popovich et al. ("*Popovich*").

A. CLAIM REJECTIONS UNDER 35 U.S.C. §102

Applicants respectfully traverse the rejection of the pending claims 12, 16 and 17 as anticipated by either *Rogers* or *Wolff-Mooij*. Amended independent claim 12 recites, in relevant part, a cap including a plurality of threads configured to cooperate with mating threads of a shell. New independent claims 41 recites, in relevant part, a cap having first and second ends and defining a fluid flow passage between the first and second ends, and a receptacle disposed at the second end and sealed to include an amount of a disinfectant.

Neither *Rogers* nor *Wolff-Mooij* discloses, among other things, threads, or a receptacle of any kind, much less one sealed to include an amount of disinfectant. *Rogers* simply discloses a dialysis connector configured to **slideably** engage a cylinder. *See* FIGS. 1 to 3. The dialysis connector of *Rogers* includes an absorbent material 12 lining an interior surface of the connector. Thus, it is clear that the dialysis connector of *Rogers* does not include threads of any kind. Accordingly, the connector of *Rogers* does not and cannot teach a shell with threads or a threaded engagement between the shell and the cap. Similarly, *Rogers* does not disclose, or even suggest a **sealed receptacle**. Rather the absorbent material 12 is exposed to ambient air and contaminants. Because *Rogers* does not disclose each and every element set forth in the claims, *Rogers* cannot anticipate claim 12 or claims 31 to 38.

*Wolff-Mooij* simply discloses a connector assembly to connect to containers. The connector 3 includes a barrier 7 configured to **slideably** cooperate with a barrier 11 and a space 13. In other words, the connector disclosed by *Wolff-Mooij* simply slides between snap members 15 and 16, and does not include threads of any kind much less threads configured to cooperate with a shell, as generally recited by claim 12, 16 and 17. The external surfaces of the barriers 7 and 11 and the space 13 are sprayed with a disinfectant. Thus, contrary to the allegations provided within the Office Action, it is unclear how a disinfectant provided on an *external surface* of the connector 3 is sealed within the connector, much less a receptacle positioned within the connector, as recited by claims 31 to 38. Because *Wolff-Mooij* does not disclose each and every element set forth in the claims, *Wolff-Mooij* cannot anticipate claims 12, 16 and 17 or claims 31 to 38.

B. CLAIM REJECTIONS UNDER 35 U.S.C. §103

Applicants respectfully traverse the obviousness rejections of claims 13, 14 and 15 based in part on a combination of *Rogers* or *Wolff-Mooij*, alone or in combination with one or more of *Bellotti*, *Genatempo*, *Barrington* and *Popovich*. In particular these references do not provide a proper basis for establishing a *prima facie* case of obviousness because they do not, alone or in combination, teach or suggest each and every element set forth in the claims 13, 14, 15. For example, as discussed above *Rogers* or *Wolff-Mooij* do not disclose, or even suggest, a sealed receptacle or a cap defining a threads configured to cooperate with threads of a shell.

None of the relied upon references of *Bellotti*, *Genatempo*, *Barrington* and *Popovich* provide the disclosure or teaching lacking in *Rogers* and *Wolff-Mooij*.

*Bellotti* simply discloses a tubular shield 38 that **slideably** engages a connector 28. *Bellotti* does not disclose or even suggest threads to engage the tubular shield 28, or a receptacle, a sealed receptacle or disinfectant of any kind.

*Genatempo* simply discloses a **snap-on** cap that carries an antibacterial material. *Genatempo* does not disclose or suggest threadably connecting the cap via mating threads. Moreover, the antibacterial material of *Genatempo* is simply carried within the cap, and not within a receptacle much less a sealed receptacle.

*Barrington*, similar to *Bellotti*, simply discloses two **slideably** connected male and female elements 12, 14. *Barrington* does not disclose or even suggest mating threads to engage or couple the male and female elements 12, 14 or a receptacle, a sealed receptacle or disinfectant of any kind.

*Popovich* is simply cited for the proposition of connecting to a dialysis container and/or a patient. *Popovich* is completely silent regarding how the connection is achieve or the use of a disinfectant.

Because none of the cited references or any combination thereof discloses, or even suggest each and every element of the claims 12, 14, 15 and 31 to 38, a *prima facie* case of obviousness has not been established. Thus, claims 12, 14, 15 and 31 to 38 are patentable and must be allowed.

Regarding new claims 31 to 38, the references of record alone, or in combination, do not teach or suggest the elements of claim 31, for example, none of the references shows a cap including the claimed receptacle or septum.

III. CONCLUSION

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY: 

Matthew T. Ridsdale

Reg. No. 56,832

Cust. No. 29200

Direct: (312) 807-4440

mridsdale@bellboyd.com

Dated: **March 30, 2006**